

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 15,333 &
)	15,335
Appeal of)	

INTRODUCTION

The petitioner appeals a decision by the Department of Social Welfare denying coverage under Medicaid for orthodontic work for her children. The issue is whether the petitioner's children's treatment plans qualify them for coverage under the Department's procedures.

FINDINGS OF FACT

The petitioner's children are 15 and 12 and receive dental coverage through the Medicaid program. Both have been diagnosed with orthodontic problems and have been prescribed orthodontic treatment.¹

In support of her application for medicaid coverage, the petitioner provided forms prepared by Medicaid but filled out by her children's orthodontist on which he was to check whether any "major diagnostic criteria" (cleft palate, 2 impacted cuspids, or other severe crania-facial anomaly) or "minor criteria" (1 impacted cuspid, 2 blocked cuspids per arch, 3 congenitally missing teeth per arch, anterior open bite 3 or more teeth, crowding per arch, anterior crossbite, traumatic deep bite impinging on palate or

¹The separate appeals of the two children were consolidated pursuant to Fair Hearing Rule No. 21.

overjet) existed for each child. The forms informed the orthodontist that eligibility for orthodontic treatment required that the malocclusion be severe enough to meet a minimum of 1 of the major or 2 of the minor diagnosed treatment criteria listed on the forms.

On the form for one child (the petitioner's fifteen-year-old son) the orthodontist gave the diagnosis: "mild maxillary protrusion"; but he did not check any box under either major or minor criteria.

On the form for the petitioner's other child (her thirteen-year-old daughter) the orthodontist diagnosed her condition as "severe maxillary dental protrusion, with moderate to severe mandibular anterior crowding"; but he checked only one box on the form: "2 blocked cuspids, per arch", which is under minor criteria.²

The petitioner presented no further evidence indicating that her children's diagnoses meet any of the other listed criteria.

ORDER

The decision of the Department is affirmed.

²The Department confirmed that the child had 2 blocked cuspids on only one of her arches.

REASONS

The Department has adopted regulations for the coverage of orthodontics in the Medicaid program which includes the following:

Coverage of orthodontic services is limited to Medicaid recipients under the age of 21. Payment will be made when services are provided in accordance with an approved plan of treatment. Approvals are granted for treatment periods of six months. Bills must be submitted and payments will be made consonant with approved six month periods. . . .

A partial, proportional payment will be made on behalf of a recipient who becomes newly eligible for Medicaid coverage while undergoing a course of orthodontic treatment which began before Medicaid eligibility. The orthodontic treatment plan must be approved by Medicaid.

M620.1

The Department uses written guidelines which allow approval for only those plans of treatment which meet either one of the major or two of the minor criteria as set forth in the above findings of fact. The petitioner does not argue that either of her children meet those criteria or that the criteria are unreasonable or illegal. Inasmuch as the Department's decisions are in accord with its regulation, they must be upheld. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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